REMARKS/ARGUMENTS

Favorable reconsideration is respectfully requested.

The claims have been amended to delete "seamlessly without welding and ensuing heat treatment" and instead recite that the bottomed container has a bottom section and a body section configured integrally such that the bottom section and the body section have continuous metal flow. Basis for this is inherent in the description that the bottom section and body section of the thick bottomed container are formed integrally by hot-dilating a metal billet in a container for forming. Bottom and body sections resulting from the dilation of a billet inherently have continuous metal flow.

Claims 59-61, 63-65, 67, 71-75, 77-82, 106, 109-111, 114 and 116 were again rejected under 35 U.S.C. § 103 as being obvious over Anspach et al in view of Wells and Homer. This is respectfully traversed.

It is respectfully noted that the radiation container of Anspach et al is *not* polygonal in the direction recited in the claims. For example, Claim 59 recites in part: "sections of inner and outer circumferences of the thick bottomed container *perpendicular to an axial direction of the thick bottomed container* are octagonal." All of the other claims similarly recite the octagonal shape as being in a section perpendicular to the axial direction.

The Office Action refers to Fig. 3 of Anspach et al to show a polygonal shape of the radiation container. However it may be appreciated that Fig. 3 of Anspach et al is a sectional *parallel to* – not perpendicular to -- the container axis. Fig. 2 of Anspach et al, on the other hand, is a section taken perpendicular to the axial direction of the container. As is evident from Fig. 2, the container section perpendicular to the container axial direction is neither octagonal nor polygonal, but is *circular*. Thus the underlying rationale for the asserted motivation to modify Anspach et al according to the claims is not based on a correct reading of the disclosure of Anspach et al.

Additionally, one skilled in the art would not have found it obvious to have modified the circular section container of Anspach et al to be octagonal, for a number of reasons. First, it is an object of Anspach et al to provide a lining for a "cylindrical" container ("the invention is based on the problem of providing an inner lining for a cylindrical container;" col. 1, lines 41-42). A cylinder has a circular, and not a polygonal, section. Since it would not be obvious to modify a reference in a manner to render it unsatisfactory for its intended purpose (MPEP § 2143.01), the claims are unobvious for this reason alone.

Additionally, the liner 1 of Anspach et al is designed to have good contact with the container 3 by contracting in the circular section liner 1, inserting the liner in the container 3 with a gap 9 (Fig. 2), and releasing the tension on the liner.

> It is especially favorable that with the manufacture of the base body 3 and the tolerances attainable thereby and the exactness possible today in rolling sheets there be attained an extraordinarily low tolerance of the cylindrical shape in the order of a few tenths mm with large inner diameter and container measurements. The surprising result thereby is that by the release of tension of the inner container jacket reduced in circumference in the assembly the remaining residual gap 10 between the base body 3 and the inner lining 1 is negligibly small and therefore a good heat transfer as well as good strength properties are guaranteed. (Col. 2, lines 21-33).

Thus Anspach et al relies on a circular section liner and container to ensure good contact and heat transfer. The contraction of a non-circular (e.g., octagonal) liner, on the other hand, would involve bending the liner at the corners of the octagon so that there may not be an exact shape match with the container once the liner tension is released, resulting in imperfect heat transfer. For this reason as well, an octagonal container is not consistent with the objects of Anspach et al and would not have been obvious therein.

Finally, the Office Action has relied on the alleged absence of new or unexpected results to support the supposed obviousness of an octagonal container in Anspach et al. However this ignores the advantageous results described in the paragraph bridging pp. 97-98

of the specification. It is therefore respectfully submitted that the claims define over Anspach et al.

Wells and Homer were cited to teach that octagonal containers were, *per se*, known. For example, Fig. 4c of Homer discloses an octagonal filter panel 28 supporting a bed 18 of solid particulate material in an apparatus for removal of liquid from slurries of liquid and solid particulate material. Fig. 2 of Wells discloses that a circular spent nuclear fuel container 20 has an octagonal panel.

Significantly, however, neither Wells nor Homer discloses a radioactive substance container which is itself octagonal, and so could not suggest such a modification for Anspach et al. Moreover, such a modification cannot be justified as the predictable use of prior art elements according to their established functions since the prior art teaches against such a modification. That is, as explained above, a cylindrical container is an object of Anspach et al, which provides its "surprising result." Thus the prior art teaches that these container shapes are not interchangeable.

Concerning the rejection of dependent Claims 64, 72, 77, 81 and 85 as being obvious over Anspach et al in view of Kirchner et al, it is noted that Kirchner et al provides no suggestion for modifying Anspach et al to have an octagonal section and so the claims define over any combination of these references.

Applicant therefore believes that the present application is in a condition for allowance and respectfully solicits an early Notice of Allowability.

Respectfully submitted,

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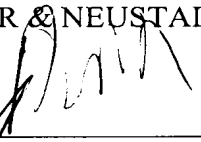

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